

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:12-00013
)	JUDGE CAMPBELL
NICKLESS WHITSON)	

ORDER

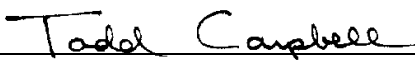
Pending before the Court is the Defendant's Motion To Suppress And For *Franks* Hearing (Docket No. 796), and the Government's Response (Docket No. 801) indicating that it does not intend to introduce the evidence seized pursuant to the search warrant executed at the Defendant's residence in December, 2011. Through a previous Order (Docket No. 802), the Court indicated its intention to cancel the suppression hearing set for October 27, 2014, in light of the Government's Response, unless one of the parties filed a written objection.

The Defendant has now filed a Response (Docket No. 803) requesting that the Court hold the hearing, and rule on the Motion.

Given the Government's representation that it does not intend to introduce the evidence which is the subject of the Motion To Suppress, the Court DENIES the Motion, without prejudice to its being re-filed if the Government later decides to introduce the evidence. The suppression hearing set for October 27, 2014 is CANCELLED.

To the extent the Defendant seeks to suppress Defendant's statements as fruit of an illegal search, he should file a motion identifying the statements he seeks to suppress and addressing the legal basis for the request.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE